

### **Remarks**

This is in response to the Office Action dated January 10, 2006 in which the pending claims were rejected under 35 U.S.C. 101 as claiming the same invention as claims 13-16 of co-pending application 10/721161.

Before responding substantively to the Office Action, the examiner's attention is respectfully directed to the attached Form PTO-1449, submitted with an IDS filed on the same date (November 26, 2003) as the filing date of the instant application, which was returned with the Office Action. Please note that the foreign document JP11-109996 has not been initialed. The examiner is therefore respectfully requested to consider and initial JP11-109996 and return the fully initialed Form PTO-1449 to the undersigned with the next communication.

Per the above amendment, claims 13 and 15 each have been amended.

The above amendments to claims 13 and 15 are supported by "ISRC (International Standard Recording Code)" in the specification, page 44, line 21 to page 45, line 1. The details of ISRC are available from web site <http://www.ifpi.org/isrc/index.html>, where it is shown that ISRC is information related to copyrights.

With the above amendment, claims 13-16 of the present application are believed to be clearly distinguishable from the claims of co-pending application number 10/721161. Therefore, the provisional double patenting rejection of the pending claims of the instant application under the pending claims of the '161 application is believed to have been overcome.

In anticipation of and to preclude an obviousness-type double patenting rejection, submitted with this amendment is a terminal disclaimer for overcoming any potential

provisional obviousness type double patenting rejection of the pending claims of the instant application from the pending claims of the '161 application.

In light of the above, the examiner is respectfully requested to reconsider the application and pass the same to issue at an early date.

Respectfully submitted,



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FORM PTO-1449

**INFORMATION DISCLOSURE CITATION**Atty Docket  
0102/0226

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Applicant

Norihiko FUCHIGAMI et al.

Filing Date

Group Art Unit

**U.S. PATENT DOCUMENTS**

Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date
OA	AA	6,122,380	09/19/00	Pedlow, Jr.			12/01/97
	AB	6,169,973	01/02/01	Tsutsui et al.			03/25/89
	AC	6,118,879	09/12/00	Hanna			12/13/98
	AD	5,511,095	04/23/96	Inoue et al.			04/13/93
	AE	5,796,842	08/18/98	Hanna			06/07/96
	AF	5,115,469	05/19/92	Taniguchi et al.			06/07/89
	AG	6,463,410	10/08/02	Fuchigami			09/13/99
	AH						
	AI						
	AJ						
	AK						

**FOREIGN PATENT DOCUMENTS**

		Document Number	Date	Country	Class	Sub-Class	Translation
	AL	11-109996	04/23/99	Japan			Yes
	AM						
	AN						
	AO						
	AP						
	AR						

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

DA	AS		"Lossless Coding For Audio Discs" by P. Craven et al.; J. Audio Eng. Soc., Vol. 44, No. 9, 1996 September; pp. 706-720
	AT		
	AU		

Examiner

Date Considered

1/4/06

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP § 609.  
Draw line through citation if not in conformance and not considered.  
Include copy of this form with next communication to Applicant.